

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF DAVID) APPEAL NO. 06-A-2207
TICKNOR, JR. AND YOSHIKO TICKNOR from the) FINAL DECISION
decision of the Board of Equalization of Fremont) AND ORDER
County for tax year 2006.

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing January 4, 2007, in St. Anthony, Idaho, before Board Member David E. Kinghorn. Board Member Lyle R. Cobbs also participated in this decision. Appellant David Ticknor appeared for Appellants. Assessor Ivel Burrell and Appraiser Michael Jones appeared for Respondent Fremont County. This appeal is taken from a decision of the Fremont County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP000100000080A.

The issue on appeal is the market value of a residential property.

The decision of the Fremont County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$13,000, and the improvements' valuation is \$129,872, totaling \$142,872. Appellant requests the improvements' value be reduced to \$83,247, for a total valuation of \$96,247. The land value is not being disputed.

Subject is a 1,176 square foot residence built in 1976 situated on a .25 acre lot in Aspen Ridge Subdivision located in Fremont County.

Appellant provided five sales to challenge subject's assessment. One sale was across the street from subject, while the others were from subdivisions as far away as 25 miles. The sale across the street was a 768 square foot residence that sold in 2005 for \$109,000. The other sales were between 950 and 1,724 square feet and ranged in price from \$93,900 to \$116,000. Appellant believed the sale across the street was most compelling, however stated subject would

be competing in the marketplace with residences from the broader area, therefore, it was appropriate to consider sales outside subject's subdivision.

Respondent explained the State conducted a ratio study of properties in subject's area and based on sales information, discovered that trend adjustments were needed in the area. Respondent submitted a sale that was used to trend properties in subject's section of the subdivision. The sale involved a 1,111 square foot residence built in 1978 for \$139 per square foot. Even though the sale across the street was part of a different section of the subdivision, Respondent did not object to using it. The property sold for \$125 per square foot. Subject was assessed for \$109 per square foot. Respondent said the value divergence was explained by the difference in age between the structures.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Where proper, Idaho employs the market value approach to value property for the purpose of taxation as defined in Idaho Code § 63-201(10):

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant provided several sales from the general area and argued the sale across the street was the best indicator of subject's value.

Respondent explained the trending adjustment was mandated by the State. One sale from subject's section was offered to defend the assessment, however, Respondent said using the sale across the street was also acceptable.

It is well established that recent, proximate sales are the best evidence of market value of a particular property. As noted, Appellant's sales were located as far as 25 miles from subject. This fact alone does not render the sales irrelevant, however, nearby sales are likely more representative of subject's value. In this case, Respondent provided a sale in subject's section of the subdivision and both parties agreed the sale across the street would also be a good basis for determining subject's value. Adjustments were made to account for subject's age and size, which the Board feels was reasonable and proper. Therefore, the decision of the Fremont County Board of Equalization is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Fremont County Board of Equalization concerning the subject parcel be, and the same hereby is affirmed.

DATED this 27th day of April 2007.